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FILE: BRAZIL
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Human Rights - Brazil

Since 1964, Brazil's government has been under the control of the military. When General (ret.) Ernesto Geisel assumed the Presidency in early 1974, he publicly committed his administration to a gradual relaxation of the strict centralized controls over political and civil liberties introduced since the 1964 "Revolution." Liberalization was real, but gradual, through the first year of Geisel's tenure, despite increasing economic difficulties and opposition from conservative elements who cited a continuing security threat as a basis for limiting political freedoms and who viewed with concern the rise in strength of the officially recognized opposition party. General Figueiredo, who was "elected" late in 1978 under a process still controlled and manipulated by the Government, has stated that liberalization will continue and he may even declare a major amnesty for political prisoners and exiles when he assumes office on March 15.

In January 1976, following the highly publicized deaths over a period of several months of two prisoners in the custody of the II Army security forces in Sao Paulo, President Geisel removed the II Army's commanding general. A considerable number of personnel changes followed in the Sao Paulo command and elsewhere in the security structure, and since then reports of torture of political prisoners are rare.

Since the beginning of the school term in March 1977, student demonstrations have increasingly figured in the human rights issue. Initially, in spite of marked concern over the demonstrations which were the most important in nine years, the government reacted mildly. As the demonstrations continued, however, police pressures increased. Some student organizers, arrested in connection with mid-year demonstrations, were reportedly tortured. After the Supreme Military Tribunal emphatically denounced physical abuse of prisoners, the Rio de Janeiro Air Force Court having jurisdiction in the case granted provisional liberty to several of the accused, pending the outcome of the trial. In September, two thousand students were arrested at a demonstration in Sao Paulo. Although most of those arrested were quickly released, a small number, alleged to

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~~CONFIDENTIAL~~

- 2 -

be the organizers, were charged under national security laws. Most recently, however, no arrests ensued in the wake of a demonstration by 500 students against the presidential election process and its results. Brazilian human rights advocates held a National Congress for Amnesty in San Paulo, November 2-5, 1978. The Congress, the first meeting of its kind in Brazil, drew about 1,700 people from several Brazilian States and some Western European countries. The Congress adopted resolutions concerning exiles and other human rights matters. The police did not interfere.

Though the Brazilian Government has made several pronouncements against mistreatment of prisoners, it is common for criminal suspects to be tortured. "Death Squad" activities (a form of police vigilantism involving clandestine associations of off-duty policemen) are also occasionally reported despite government countermeasures.

Most political prisoners have been released. The number of political prisoners remaining is probably between 180 and 300. Ten thousand Brazilians live in exile and while they can return, most of them would probably face charges for politically motivated acts.

The government officially discourages discrimination based upon sex, race, occupation or religion. Nevertheless, some Brazilians claim that a certain degree of racial discrimination does exist within the society. Marginal economic groups, including Indian tribes in the Amazon region, experience limited access to constitutional guarantees, including abuse by police who are often ill-trained and undisciplined.

The area of political and press freedom has also manifested a mixed performance. The exceptional laws permitted official proscription of "subversive" political philosophies. The initial period of slow liberalization of the political process came to a halt in mid-1977. Geisel recessed Congress in April when it blocked passage of a judicial reform amendment to the Constitution. During the recess, Geisel decreed an electoral reform law favoring the government oriented party in the next elections. Shortly after, two opposition deputies were deprived of their political rights, and both parties were denied access to television for campaigning. On January 1, 1979 a constitutional reform went into effect abrogating the institutional acts under which the President had been able to rule by decree. At the same time the death sentence and life imprisonment were abolished, rules for creating additional political parties were eased, independence of the judiciary was

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

- 3 -

strengthened and habeas corpus was restored. The President can no longer suspend Congress nor readily suspend the mandate of an individual Congressperson. However, this progress is undermined by government rigging of Congressional elections and a newly drafted National Security Law which leaves the Government with power to act arbitrarily.

Press censorship ended in 1978, although the electronic media continues to be censored. Restrictions on radio and tv are particularly worrisome in Brazil where 50 percent of the populace is functionally illiterate. There is a vigorous political debate underway in the press, generally focusing on redemocratization. Nevertheless, most newspapers observe a self-censorship regime. Some foreign publications also have been restricted.

Brazil recently supported a budget increase for the IAHRC and Brazilian officials have made public statements in support of the principles of such organizations. Nevertheless, the Brazilian Government considers our intervention on behalf of IAHRC visits, as well as our general expressions of concern on human rights, to be interference in the internal affairs of other countries.

Recently there have been indications that the Brazilian Government is considering some form of "institutionalization" of the political system. Into the 1978 election year, the Government initiated a dialogue with a range of dissenting/opposition elements to determine a consensus on political change.

The Human Rights situation in Brazil is thus a mixed one. The Department of State has made no determination that Brazil is a country currently engaging in a "consistent pattern of gross violations". The U. S. Government has continued to support Brazilian loans in the international financial institutions, and the Department of State has been concurring in favorable action on Ex-Im Bank loans.

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